

Fire Safety Code Board

Of Appeal and Review

Hearing Minutes December 13, 2011

The Rhode Island Fire Safety Code Board of Appeal & Review met at their headquarters located at 1 Regan Court, Varley Building #46, in Cranston, RI on Tuesday, December 13, 2011 at 1:00 P.M. Present were Chairman Newbrook, Vice Chairperson Filippi and Commissioners Dias, Walker, Sylvester, Blackburn, Burlingame and Richard. Commissioners Pearson, Jasparro and Jackson were absent. Also present were Executive Director Thomas Coffey and Deputy Director Carol Marsella.

APPEAL #090172, 090228, 090294: Maureen and Robert Kielbasa, for the property located at 1272 West Main Road in Middletown. Chief Ronald Doire appeared for the Middletown Fire Department and DSFM Paul Manning appeared for the State Fire Marshal's Office. Commissioner Sylvester made a motion, seconded by Commissioner Walker, to grant the Applicant additional time to prepare a plan of action for the correction of the outstanding deficiencies in this facility, and an extension of time to comply from a previous decision. The motion passed over the opposition votes of Commissioners Blackburn and Richard.

APPEAL #100072A: Chief of Inspections Jonathan Depault for the

property located at 4808 Tower Hill Road in South Kingstown. Assistant Deputy State Fire Marshals Bruce Rice and Christopher Hiener appeared for the Union Fire District Fire Marshal's Office and Chief of Inspections Scott Caron and DSFM Paul Manning appeared for the State Fire Marshal's Office. Commissioner Walker made a motion, seconded by Commissioner Blackburn, to grant the Applicant relief, which includes, but is not limited to, the following. The Applicant is directed to immediately remove the cited storage from the exit passageways and elsewhere. The Applicant is directed to have the fire alarm system brought back on line as soon as possible. During the time the fire alarm system is not on line, the Applicant is directed to post a fire watch on each occupied floor of this facility, and the third floor is not to be occupied until the fire alarm is functioning. The Applicant is granted a time variance until July 1, 2012 to bring the sprinkler system into compliance. The Applicant is directed to return to the Board on January 10, 2012 to present his request for certain variances based on structural hardship. The motion passed over the objection of Commissioners Dias and Burlingame.

APPEAL #100090: Ms. Dina Chieffo, for the property located at 585 Beach Avenue on Block Island (Main House). DSFM Mancuso appeared for the State Fire Marshal's Office. Vice Chairperson Filippi recused herself from consideration of this case. Commissioner Blackburn made a motion, seconded by Commissioner Dias, to grant the Applicant a time variance of thirty (30) days to present to the State

Fire Marshal's Office a plan of action for the correction of all outstanding deficiencies within this facility, and an additional 150 days in which to implement that plan. The State Fire Marshal's Office is granted the authority to extend either or both of the above deadlines for good faith efforts being demonstrated by the Applicant. The motion was unanimous.

APPEAL #100091: Ms. Dina Chieffo, for the property located at 585 Beach Avenue on Block Island (Carriage House). DSFM Mancuso appeared for the State Fire Marshal's Office. Vice Chairperson Filippi recused herself from consideration of this case. Commissioner Blackburn made a motion, seconded by Commissioner Dias, to grant the Applicant a time variance of thirty (30) days to present to the State Fire Marshal's Office a plan of action for the correction of all outstanding deficiencies within this facility, and an additional 150 days in which to implement that plan. The State Fire Marshal's Office is granted the authority to extend either or both of the above deadlines for good faith efforts being demonstrated by the Applicant. The motion was unanimous.

APPEAL #100012: Ms. E. Margaret Fish, for the property located at 469 Ten Rod Road in Exeter. ADSFM Susan Hawksley appeared for the Exeter Fire Marshal's Office and DSFM Christopher Moore appeared for the State Fire Marshal's Office. Commissioner Richard made a motion, seconded by Vice Chairperson Filippi, to grant the following relief. The Applicant is directed to close the second floor of

this facility to public use, and utilize it for storage only. The Applicant is directed to post the occupancy of the first floor small hall at 40 persons. The Applicant is directed to maintain the setup of the first floor large hall with tables and chairs. The Applicant is granted a variance to not install a sprinkler system in this facility based on the lower occupancy. The Applicant is granted a time variance of thirty (30) days to present a plan of action for the installation of a local fire alarm system to the State Fire Marshal's Office and an additional 120 days in which to implement that plan. The State Fire Marshal's Office is granted the authority to extend the above timelines for good faith efforts shown by the Applicant. The Applicant is granted a variance to maintain a residential stove in this facility provided there are no grease laden vapors generated nor any frying done on that stove. Any other deficiencies are to be corrected within the time frame outlined above. This would include, but is not limited to, correcting the cited exit enclosure, installation of required exit signs, and portable fire extinguisher training. The motion was unanimous.

APPEAL #110231: Ms. Jane Koppelman, for the property located at 727 East Avenue, Pawtucket. ADSFM Steven Parent appeared for the Pawtucket Fire Marshal's Office. Commissioner Walker made a motion, seconded by Commissioner Sylvester, to approve the Applicant's plan of action imposed upon her by the Pawtucket Zoning Board, provided the gates to the newly erected fence are either unlocked or provided with panic hardware. The motion was unanimous.

APPEAL #090176: Ms. Renee Bailey, for the property located at 149 Lancaster Street in Providence. Deputy State Fire Marshal Cynthia Dehler appeared for the State Fire Marshal's Office. Commissioner Burlingame made a motion, seconded by Commissioner Walker, to grant the occupant of this facility a time variance of thirty (30) days in which to either vacate this facility or provide the State Fire Marshal's Office with a plan of action for the correction of all outstanding deficiencies within this facility. If the current occupant chooses to correct the deficiencies, it is granted an additional 150 days to comply, at the direction and to the satisfaction of the State Fire Marshal's Office. No matter which option is chosen, the Applicant is directed to have CO detection installed in this facility immediately, at the direction and to the satisfaction of the State Fire Marshal's Office. The motion was unanimous.

APPEAL #110228: LBB Corp. of 50 Washington Square, for the property located at 404 Tower Hill Road in North Kingstown. ADSFM Gordon Walsh appeared for the North Kingstown Fire Marshal's Office. Commissioner Burlingame made a motion, seconded by Commissioner Blackburn, to approve the Applicant's plan to utilize a cabinet-style hood system over the stove in the community room, provided that no grease-laden vapors will be generated from its use. This hood system will be connected to the fire alarm system, at the direction and to the satisfaction of the North Kingstown Fire Marshal's Office. The motion was unanimous.

APPEAL #090165: R.D. Angell Masonry Company, for the property located at 91 Baird Avenue in North Providence. ADSFM John Horan appeared for the North Providence Fire Marshal's Office. Commissioner Sylvester made a motion, seconded by Commissioner Walker, to grant the Applicant a time variance, prior to tenant occupancy, to correct any outstanding deficiencies in this building. The motion was unanimous.

APPEAL #110236: Mr. Dennis Sao Bento, for the property located at 685 Warren Avenue in East Providence. Assistant Deputy State Fire Marshals Oscar Elmasian and Robert Bellamy appeared for the East Providence Fire Marshal's Office. Commissioner Walker recused himself from consideration of this case. Commissioner Blackburn made a motion, seconded by Vice Chairperson Filippi, to grant the Applicant's requested variance, based on structural hardship, directing that only staff will be allowed in the cited basement and that there can be no public occupancy. The motion was unanimous.

APPEAL #110233: Schochet Associates, for the property located at 5-15 Dr. Marcus F. Wheatland Blvd. in Newport. Assistant Deputy State Fire Marshals Raymond Gomes and Christopher Mahoney appeared for the Newport Fire Marshal's Office. Commissioner Walker made a motion, seconded by Commissioner Richard, to direct the Applicant to immediately clear away cited obstructions from the exits of this facility, and to correct all other deficiencies within this

facility according to the time frames outlined at the December 13, 2011 hearing. The motion was unanimous.

APPEAL #110232: Ms. Joanne Walz, for the property located at 9 Barney Court in Newport. ADSFM Raymond Gomes appeared for the Newport Fire Marshal's Office. Commissioner Blackburn made a motion, seconded by Commissioner Sylvester, to grant the Applicant a time variance of thirty (30) days in which to present the Newport Fire Marshal's Office with a plan of action for the correction of all outstanding deficiencies in this facility, and an additional 150 days in which to implement that plan of action. The Newport Fire Marshal's Office is granted the authority to extend either or both of the above timelines for good faith efforts being shown by the Applicant. The motion was unanimous.

Respectfully submitted

Carol Marsella